

REMARKS

Applicants have studied the Office Action mailed April 5, 2005. It is respectfully submitted that the application is in condition for allowance. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

Specification:

The Examiner noted that an application in which benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet, as well as the relationship between the applications.

Applicants have complied with the requirements for obtaining benefit of earlier application(s) by virtue of having referenced the prior application(s) in the application data sheet of the present application. However, Applicants are also hereby amending the specification of the present application to insert the benefit claim as the first sentence of the specification.

Obviousness-Type Double Patenting:

The Examiner rejected claims 24-35 under the judicially created doctrine of double patenting over claims 1-9 of U.S. Patent No. 6,340,584. The Examiner stated that the subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.

Applicants hereby submit a terminal disclaimer (along with the terminal disclaimer fee), thereby obviating this double patenting rejection.

Conclusions

Claims 24-35 remain pending.

A terminal disclaimer is submitted herewith to obviate the double patenting rejection.

In view of the above remarks, and the terminal disclaimer submitted herewith, Applicants respectfully submit that the application and claims are in condition for allowance, and request that the Examiner reconsider and withdraw the rejections. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned agent at (240) 453-3812 should the Examiner believe a telephone interview would advance prosecution of the application.

Respectfully submitted,

CELERA GENOMICS

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Attachment:
- Terminal Disclaimer